

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAMES CAMPBELL and KEVIN RUDOLF

Plaintiffs,

Case No.: 14-cv-00188-JBW-
RML

v.

ISHITA GANGULY,

Defendant.

ANSWER

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Defendant ISHITA GANGULY (hereinafter “Answering Defendant”), by and through her attorneys, Lewis Brisbois Bisgaard & Smith LLP, as and for her answer, responding to Plaintiffs’ Complaint, dated January 9, 2014 (hereinafter “Complaint”), states as follows:

FIRST. Answering Defendant denies the truth of each and every allegation contained in paragraph “1” of the Complaint.

SECOND. Answering Defendant denies the truth of each and every allegation contained in paragraph “2” of the Complaint.

THIRD. Answering Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “3” of the Complaint, and in addition, leaves all questions of law to the Court for judicial determination.

FOURTH. Answering Defendant admits the truth of each and every allegation contained in paragraph “4” of the Complaint, and in addition, leaves all questions of law to the Court for judicial determination.

FIFTH. Answering Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “5” of the Complaint.

SIXTH. Answering Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “6” of the Complaint.

SEVENTH. Answering Defendant admits truth of the each and every allegation contained in paragraph “7” of the Complaint.

EIGHTH. Answering Defendant denies the truth of each and every allegation contained in paragraph “8” of the Complaint, except admits that a Kevin Rudolf spoke to Answering Defendant on the telephone.

NINTH. Answering Defendant denies the truth of each and every allegation contained in paragraph “9” of the Complaint.

TENTH. Answering Defendant denies the truth of each and every allegation contained in paragraph “10” of the Complaint.

ELEVENTH. Answering Defendant denies the truth of each and every allegation contained in paragraph “11” of the Complaint.

TWELFTH. Answering Defendant denies the truth of each and every allegation contained in paragraph “12” of the Complaint.

THIRTEENTH. Answering Defendant denies the truth of each and every allegation contained in paragraph “13” of the Complaint.

FOURTEENTH. Answering Defendant denies the truth of each and every allegation contained in paragraph “14” of the Complaint.

FIFTEENTH. Answering Defendant denies the truth of each and every allegation contained in paragraph “15” of the Complaint, and in addition, states that the contents of any documents referred to therein speak for themselves.

SIXTEENTH. Answering Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “16” of the Complaint, and in addition, states that the contents of any documents referred to therein speak for themselves.

SEVENTEENTH. Answering Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “17” of the Complaint, and in addition, states that the contents of any documents referred to therein speak for themselves.

EIGHTEENTH. Answering Defendant denies the truth of each and every allegation contained in paragraph “18” of the Complaint.

NINETEENTH. Answering Defendant denies the truth of each and every allegation contained in paragraph “19” of the Complaint.

TWENTIETH. Answering Defendant denies the truth of each and every allegation contained in paragraph “20” of the Complaint.

TWENTY-FIRST. Answering Defendant denies the truth of each and every allegation contained in paragraph “21” of the Complaint, and in addition, states that the contents of any documents referred to therein speak for themselves.

TWENTY-SECOND. Answering Defendant denies the truth of each and every allegation contained in paragraph “22” of the Complaint, and in addition, states that the contents of any documents referred to therein speak for themselves.

TWENTY-THIRD. Answering Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “23” of the

Complaint, and in addition, states that the contents of any documents referred to therein speak for themselves.

TWENTY-FOURTH. Answering Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “24” of the Complaint, and in addition, states that the contents of any documents referred to therein speak for themselves.

TWENTY-FIFTH. Answering Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “25” of the Complaint, and in addition, states that the contents of any documents referred to therein speak for themselves.

TWENTY-SIXTH. Answering Defendant denies the truth of each and every allegation contained in paragraph “26” of the Complaint.

TWENTY-SEVENTH. Answering Defendant denies the truth of each and every allegation contained in paragraph “27” of the Complaint.

TWENTY-EIGHTH. Answering Defendant denies the truth of each and every allegation contained in paragraph “28” of the Complaint.

TWENTY-NINTH. Answering Defendant denies the truth of each and every allegation contained in paragraph “29” of the Complaint, and in addition, states that the contents of any documents referred to therein speak for themselves.

THIRTIETH. Answering Defendant denies the truth of each and every allegation contained in paragraph “30” of the Complaint.

THIRTY-FIRST. Answering Defendant denies the truth of each and every allegation contained in paragraph “31” of the Complaint, and in addition, states that the contents of any documents referred to therein speak for themselves.

THIRTY-SECOND. Answering Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “32” of the Complaint, and in addition, states that the contents of any documents referred to therein speak for themselves.

THIRTY-THIRD. Answering Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “33” of the Complaint, and in addition, states that the contents of any documents referred to therein speak for themselves.

THIRTY-FOURTH. Answering Defendant denies the truth of each and every allegation contained in paragraph “34” of the Complaint, and in addition, states that the contents of any documents referred to therein speak for themselves.

THIRTY-FIFTH. Answering Defendant denies the truth of each and every allegation contained in paragraph “35” of the Complaint.

THIRTY-SIXTH. Answering Defendant denies the truth of each and every allegation contained in paragraph “36” of the Complaint.

THIRTY-SEVENTH. Answering Defendant denies the truth of each and every allegation contained in paragraph “37” of the Complaint.

AS AND FOR PLAINTIFFS' FIRST CLAIM FOR RELIEF
(Fraud in the Inducement)

THIRTY-EIGHTH. Answering Defendant repeats, reiterates and realleges each and every denial, and denial made upon information and belief, asserted in response to paragraphs "1" through "38" of the Complaint, as if each were repeated verbatim at length herein.

THIRTY-NINTH. Answering Defendant denies the truth of each and every allegation contained in paragraph "39" of the Complaint.

FORTIETH. Answering Defendant denies the truth of each and every allegation contained in paragraph "40" of the Complaint.

FORTY-FIRST. Answering Defendant denies the truth of each and every allegation contained in paragraph "41" of the Complaint.

FORTY-SECOND. Answering Defendant denies the truth of each and every allegation contained in paragraph "42" of the Complaint.

FORTY-THIRD. Answering Defendant denies the truth of each and every allegation contained in paragraph "43" of the Complaint.

FORTY-FOURTH. Answering Defendant denies the truth of each and every allegation contained in paragraph "44" of the Complaint.

AS AND FOR PLAINTIFFS' SECOND CLAIM FOR RELIEF
(Unjust Enrichment)

FORTY-FIFTH. Answering Defendant repeats, reiterates and realleges each and every denial, and denial made upon information and belief, asserted in response to paragraphs "1" through "45" of the Complaint, as if each were repeated verbatim at length herein.

FORTY-SIXTH. Answering Defendant denies the truth of each and every allegation contained in paragraph “46” of the Complaint.

FORTY-SEVENTH. Answering Defendant denies the truth of each and every allegation contained in paragraph “47” of the Complaint.

FORTY-EIGHTH. Answering Defendant denies the truth of each and every allegation contained in paragraph “48” of the Complaint.

AS AND FOR PLAINTIFFS’ THIRD CLAIM FOR RELIEF
(Conversion)

FORTY-NINTH. Answering Defendant repeats, reiterates and realleges each and every denial, and denial made upon information and belief, asserted in response to paragraphs "1" through "49" of the Complaint, as if each were repeated verbatim at length herein.

FIFTIETH. Answering Defendant denies the truth of each and every allegation contained in paragraph “50” of the Complaint.

FIFTY-FIRST. Answering Defendant denies the truth of each and every allegation contained in paragraph “51” of the Complaint.

FIFTY-SECOND. Answering Defendant denies the truth of each and every allegation contained in paragraph “52” of the Complaint.

FIFTY-THIRD. Answering Defendant denies the truth of each and every allegation contained in paragraph “53” of the Complaint.

AS AND FOR PLAINTIFFS' FOURTH CLAIM FOR RELIEF
(Constructive Trust)

FIFTY-FOURTH. Answering Defendant repeats, reiterates and realleges each and every denial, and denial made upon information and belief, asserted in response to paragraphs "1" through "54" of the Complaint, as if each were repeated verbatim at length herein.

FIFTY-FIFTH. Answering Defendant denies the truth of each and every allegation contained in paragraph "55" of the Complaint.

FIFTY-SIXTH. Answering Defendant denies the truth of each and every allegation contained in paragraph "56" of the Complaint.

FIFTY-SEVENTH. Answering Defendant denies the truth of each and every allegation contained in paragraph "57" of the Complaint.

FIFTY-EIGHTH. Answering Defendant denies the truth of each and every allegation contained in paragraph "58" of the Complaint.

FIFTY-NINTH. Answering Defendant denies the truth of each and every allegation contained in paragraph "59" of the Complaint.

SIXTIETH. Answering Defendant denies the truth of each and every allegation contained in paragraph "60" of the Complaint.

AS AND FOR ANSWERING DEFENDANT'S FIRST
AFFIRMATIVE DEFENSE

SIXTY-FIRST. Upon information and belief, Plaintiffs' Complaint fails to state a valid cause of action as a matter of law.

AS AND FOR ANSWERING DEFENDANT'S SECOND
AFFIRMATIVE DEFENSE

SIXTY-SECOND. Upon information and belief, if any damages were sustained by the Plaintiffs as alleged in Plaintiffs' Complaint, which damages are expressly denied by the Answering Defendant, all such damages have been caused or brought about in whole or in material part by the affirmative wrongdoing, negligent want of care, omission or other culpable conduct as such or comparative negligence of the Plaintiffs, their agents, servants, employees and such persons other than Answering Defendant without the affirmative acts of the Answering Defendant contributing thereto, and as a consequence thereof, the Plaintiffs' damages should be reduced by the proportion of the Plaintiffs', their agents, servants, employees and such persons, other than Answering Defendant, culpable conduct which caused the alleged damages.

AS AND FOR ANSWERING DEFENDANT'S THIRD
AFFIRMATIVE DEFENSE

SIXTY-THIRD. Upon information and belief, if the Plaintiffs sustained damages as alleged in Plaintiffs' Complaint, which is expressly denied by Answering Defendant, then such damages were caused in whole or in part by reason of the Plaintiffs' failure to mitigate their damages and the amount of damages otherwise recoverable shall be reduced by such amounts as is attributable to Plaintiffs' failure to mitigate.

AS AND FOR ANSWERING DEFENDANT'S FOURTH
AFFIRMATIVE DEFENSE

SIXTY-FOURTH. Upon information and belief, to the extent Answering Defendant performed any of the acts set forth in Plaintiffs' Complaint, all such acts and/or conduct was authorized by and/or requested by Plaintiffs.

AS AND FOR ANSWERING DEFENDANT'S FIFTH
AFFIRMATIVE DEFENSE

SIXTY-FIFTH. Upon information and belief, Plaintiffs' claims are barred, in whole or in part, because any damages that they sustained were caused by the superseding, intervening acts of third-parties and not by those of the Answering Defendant.

AS AND FOR ANSWERING DEFENDANT'S SIXTH
AFFIRMATIVE DEFENSE

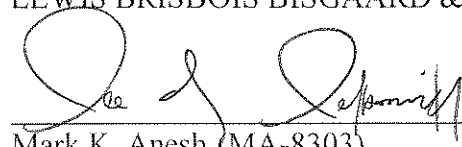
SIXTY-SIXTH. Upon information and belief, Plaintiffs' claims are barred, in whole or in part, because Plaintiffs voluntarily assumed the risk of the damages claimed in the Complaint.

WHEREFORE, Answering Defendant ISHITA GANGULY, demands judgment: (1) dismissing Plaintiffs' Complaint herein in its entirety, (2) awarding Answering Defendant her costs, expenses and attorney's fees incurred in this action, and (3) awarding such other and further relief as this Court deems appropriate.

Dated: New York, New York
February 20, 2014

LEWIS BRISBOIS BISGAARD & SMITH, LLP

By:



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